BILL NO. G-77-08-

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2.5

GENERAL ORDINANCE NO. G-17-78

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Arts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana, I.C. 18-7-5-46, the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to-wit:

An east-west alley, extending east from the east right-of-way of the North-south alley, to its eastern terminus, lying south of Lots # 5, 6, 7 & 8 of Freeman's Addition and Lots # 9, 10 & 11 of Freeman's Amended Addition.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Tivian & Schmidt

APPROVED AS TO FORM AND LEGALITY.

Read the first time in full and on motion	on by Achnuda, seconded by
, and duly adopted,	read the second time by title and referred to the
Committee on Glynlal	(and the City Plan Commission for
recommendation) and Public Hearing to be he	eld after due legal notice, at the Council Chambers,
City-County Building, Fort Wayne, Indiana,	on, theday
of, 19, at	o'clock M., E.S.T.
DATE: 8-9-77	Charles W. Westerman
	CITY CLERK
Read the third time in full and on moti	on by <u>uckell</u> ,
seconded by Hinga	, and duly adopted, placed on its passage.
PASSED (LOST) by the following vote:	
AYES NAYS	ABSTAINED ABSENT TO-WIT:
TOTAL VOTES	
BURNS	
HINGA	
HUNTER	
MOSES	
NUCKOLS	
SCHMIDT, D.	
SCHMIDT, V.	
STIER	
TALARICO	Phulo W. Westerman
DATE: 7-11-78	CITY CLERK
Decard and adopted by the Common Co	ouncil of the City of Fort Wayne, Indiana, as
	(SPECIAL) (APPROPRIATION) ORDINANCE
47-78	78
(RESOLUTION) No. ATTE	ST: (SEAL)
Charles W. Westerman	Dumuel J Tacarico
CITY CLERK	PRESIDING OFFICER
" " " " " " " " " " " " " " " " " " "	ity of Fort Wayne, Indiana, on the
day of July, 19/1, at the ho	our of // 3 oyclock M.,E.S.T.
	CITY CLERK
Approved and signed by me this	18th day of July , 1978
at the hour of 4 av o'clock	M., E.S. T.
	Laver Crimshong
	MAYOR

Bill No. G-77-08-18 REPORT OF THE COMMITTEE ON REGULATIONS We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain allev have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance RASS. VIVIAN G. SCHMIDT - CHAIRMAN JOHN NUCKOLS - VICE CHAIRMAN WILLIAM T. HINGA DONALD J. SCHMIDT JAMES S. STIER CONCURRED IN

\_\_\_\_CHARLES W. WESTERMAN, CITY CLERK

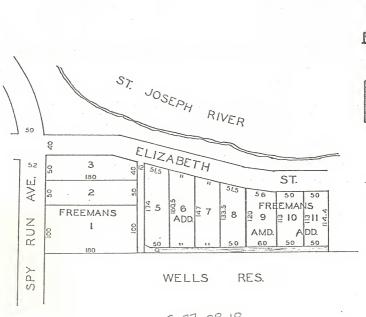
RECEIPT

GENERAL FUND

FT. WAYNE, IND.

RECEIVED FROM 100 SEL SUCCESSION DOLLARS

ON ACCOUNT OF ACC



6-77-08-18

#### PETITION TO VACATE ALLEY

TO THE FORT WAYNE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

TO THE BOARD OF PUBLIC WORKS CITY OF FORT WAYNE, INDIANA

#### Gentlemen:

The undersigned petitioners, do hereby respectfully petition the City Plan Commission and the Board of Public Works of the City of Fort Wayne, to vacate the following described alley within the City of Fort Wayne, Indiana, hereby described as follows:

An east-west alley, extending east from the east right-of-way of the North-south alley, to its eastern terminus, lying south of Lots # 5, 6, 7 & 8 of Freeman's Addition and Lots # 9, 10 & 11 of Freeman's Amended Addition.

in support thereof, your petitioners would represent as follows:

- That they are the owners of the real estate abutting on both sides of the alley herein sought to be vacated.
- That, to the knowledge of the petitioners, no other person, firm or corporation has any interest in the vacation proposed.
- That the alley sought to be vacated has never been improved, nor is it a service alley.
- That said alley is not necessary as ingress or egress to any other properties whatsoever.
- 5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof, as well as to the immediately adjoining property owners that said alley be vacated as prayed.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

Wherefore, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

George M. Knott

(Lot # 5, Freeman's Addition)

(Lot # 6, Freeman's Addition) (Lot # 10, Freeman's Amd. Addition)

Forrest Rans

(Lot # 7, Freeman's Addition)

(Lot # 8, Freeman's Addition)

(Lot # 9, Freeman's Amd. Addition)

Ralph H. Sheets

(Lot # 11, Freeman's Amd. Addition)

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TO THE BOARD OF PUBLIC WORKS CITY OF FORT WAYNE, INDIANA

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- That the alley sought to be vacated has never been improved, nor is it a service alley.
- That said alley is not necessary as ingress or egress to any other properties whatsoever.
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(Lot # 10, Freeman's Amd. Addition)

Forrest Rans

(Lot # 7, Freeman's Addition)

(Lot # 8, Freeman's Addition)

Elmer

(Lot # 9, Freeman's Amd. Addition)

Ralph H. Sheets

(Lot # 11, Freeman's Amd. Addition)

Page 1 of 2 pages

65-127-16 11/2/7-

# RESOLUTION

WHEREAS, William H. Lee, Forest Rans, Angela Garrett, Gerila Hake, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

An east-west alley, extending east from the east right-of-way of the north-south alley, to its eastern terminus, lying south of Lots # 5, 6, 7 & 8 of Freeman's Addition and Lots # 9, 10 & 11 of Freeman's Amended Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and thru the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Mayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described be and the same is hereby approved subject to easements as required by Indiana and Michigan Electrical Company and General Telephone Company of Indiana.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

COUNTY OF	ALLEN	)								
	$Z^{\prime}$		O V	1	/					
Ι,	Chen	ry 1	. 14	n	enher	1.	Chairman	of t	he Board	d of
Public Wo		_/			/	7				

correct copy of a resolution adopted by the Fort Wayne Board of Public Morks following a Board of Works Meeting held on January 1977, and as the same appears of record in the official records of said Board of Public Morks.

DATED THIS 2 DAY OF Manenther , 197

FORT WAYNE BOARD OF PUBLIC WORKS

Henry Wehrenberg, Chairman

Ethel H. LaMar, Member

Max G. Sgott, Member

### RESOLUTION

WHEREAS, WILLIAM H. LEE, FOREST RANS, ANGELA GARRETT, GERILA HAKE, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

An east-west alley, extending east from the east right-of-way if the north-south alley, to its eastern terminus, lying south of Lots #5, 6, 7 & 8 Freeman's Addition and Lots #9, 10 & 11 of Freeman's Amended Addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

 $$\operatorname{WHEREAS}$  , notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 17, 1977, at 7:30 p'clock P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN

I, <u>Luben Lazoff</u>, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held October 24, 1977, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 21st DAY OF June ,19
FORT WAYNE CITY PLAN COMMISSION

Secretary

Number assigned by Bill Salin's office: # 3753
DIGEST SHEET

Admn.	Appr.	

· ·			19-77-08-18
TITLE OF ORDINANCE			
DEPARTMENT REQUESTING	ORDINANCE_	CITY PLAN COM	MISSION
SYNOPSIS OF ORDINANCE		titioners are r	equesting the vacation
of the following described all	ey.		
An east-west alley, extending	east from the	east right-of-w	ay of the North-South
alley, to its eastern terminus			
Addition, and Lots # 9, 10 & 1	ll of Freeman's	Amended Additi	on
(The first east-west alley so	uth of Elizabet	h Street)	
EFFECT OF PASSAGEI	f vacated, all	ey will be util	ized by abutting property
owners.			
EFFECT OF NON-PASSAGE	А	lley will remai	n platted and open.
MONEY INVOLVED (Direct Cos	ets Evnenditure	s Savinas) no	ne
MONE! HAVOEVED (BIRGET OUT	oro, Experiariare	go/	
ASSIGNED TO COMMITTEE	(J. N.)		



# THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

July 18, 1978

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of July 24 and July 31. 1978, in both the News Sentinel and Journal Gazette.

> RE: Legal Notice for the Fort Wayne . Common Council

> > Bill No. G-77-08-18

General Ordinance No. G-17-78

Bill No. G-78-05-11

General Ordinance No. G-18-78

Bill No. G-78-05-28 General Ordinance No. G-19-78

Bill No. Z-78-05-26

Zoning Map Ordinance No. Z-16-78

Bill No. Z-78-05-27

Zoning Map Ordinance No. Z-17-78

Bill No. Z-78-05-25 Zoning Map Ordinance No. Z-15-78

Please send us 20 copies of the Publisher's Affidavit from both newspapers.

Thank you.

City Clerk

CWW/ne FNCL:

#### LEGAL NOTICE

Notice is hereby given that the the 11th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. 6-77-08-18 ---- General Ordinance No. 6-17-78 being AV ORDINANCE amending General Ordinance No. 6-97 by authorizing the vacation of a certain alley.

Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-78-05-11 --- General Ordinance No. G-18-78 being AN ORDINANCE amending General Ordinance No. G-97, by authorizing the vacation of a certain street

Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-28 --- General Ordinance No. G-19-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street and alley

Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-04-25 --- Zoning Map Ordinance No. Z-15-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-38

Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Mayne, Indiana, in a Regular Session did pass the following Bill No. Z-78-05-26 --- Zoning Map Ordinance No. Z-16-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S18

Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Mayne, Indiana in a Regular Session did pass the following Bill No. 2-78-05-27 --- Zoning Map Ordinance No. Z-17-78 being AN ORDIMANCE amending the City of Fort Mayne Zoning Map No. 0-3

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-77-08-18 -- General Ordinance No. G-17-78; Bill No. G-78-05-11 --- General Ordinance No. G-19-78; Bill No. G-78-05-28 --- General Ordinance No. G-19-78; Bill No. Z-78-05-26 --- Zoning Map Ordinance No. Z-15-78; Bill No. Z-78-05-26 --- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-27 --- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-28 --- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-28 --- Zoning Map Ordinance No. Z-17-78, were passed by the Common Council on the 11th day of July, and that said Ordinances were duly signed and approved by the Mayor on the 18th day of July, 1978, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of July, 1978.

Charles W. Westerman

City Clerk

Copies of said Bill No. G-77-08-18 --- General Ordinance No. G-17-78; Bill No. G-78-05-11 --- General Ordinance No. G-18-78; Bill No. G-78-05-28 --- General Ordinance No. G-19-78; Bill No. Z-78-04-25 --- Zoning Map Ordinance No. Z-15-78; Bill No. Z-78-05-26 --- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-27 --- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-27 --- Zoning Map Ordinance No. Z-17-78, are posted in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-77-08-18 -- General Ordinance No. G-17-78; Bill No. G-78-05-11 -- General Ordinance No. G-18-78; Bill No. G-78-05-28 ---- General Ordinance No. G-19-78; Bill No. Z-78-04-25 ---- Zoning Map Ordinance No. Z-15-78; Bill No. Z-78-05-26 ---- Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-27 --- Zoning Map Ordinance No. Z-17-78, are also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, \*Andiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman

Phailes W. Westerman

City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinances in the designated places as stated above on July 24, 1978.

> Charles W. Westerman City Clerk

978. an City Cleck

Form Prescr	ibed by State Board of de-	counts		General Form No. 99 P (	Rev. 1967)
Common C	ouncil of Fort Way	ne	JOURNAL	-GAZETTE	Dr.
	(Governmental Unit)	10.72	FORT W	YNE, INDIANA	
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		PUBLISHER'S	CLAIM		
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T	ail number of lines			1	
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CI	harge for extra proofs of a	publication (50 cents for each	proof in excess of two)		9.00
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Form Prescribed 1	by State Board of Acco	unts				
Common Coun	cil of Fort Way vernmental Unit)	ne	To.	THE NEWS-	SENTINEL	Dr.
Allen	County	, Ind.		FORT WAYN	E, INDI <b>A</b> NA	
		PUBLISH	ier's claim			
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Notice is hereby given that the 11th day of July, 1978, the Common Coun-	number of lines				122	
cli of the City of Fort Wayne, Indiana in a Regular Session did pass the fol- lowing Bill No. G-77-08-18 — General Ordinance No. G-17-78 being AN OR-	number of lines					
DINANCE amending General Ordi- nance No. G-97 by authorizing the vacation of a certain alley. Notice is hereby given that on the	Total number of lines	in notice			123	
Council of the City of Fort Wayne, Indiana, In a Regular Session did pass the following Bill No. G-78-05-11 — General Ordinance No. G-18-78 being AN ORDINANCE amending General	CHARGES					
Notice is hereby given that her is day of July, 1976, the Common Cook of July, 1976, the Common Cook of July, 1976, the J	3lines,column cents per line al charge for notices	containing rule or			,	31.86
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street and alley.						
Tim day of July, 1978, the Common Council of the City of Fort Wayne, in diana, in a Regular Session did pass 1Ae following Bill No. 278-04-25—20ning Map Ordinance No. 215-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No.	for extra proofs of pul TOTAL AMOUNT OF		each proof in exc	ess of two)	4	<u>9</u> .00
M-3s. Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. 278-05 26 – Zoning Map Ordinance No. 2-16-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 518.	TING COST			51		
being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S18. Notice is hereby given that on the	i single column 14 em			pe 52 point		
S18. Notice is hereby given that on the 11th day of July, 1978, the Common Council of the City of Fort Wayne, indiana in a Regular Session did pass the following Bill No. 278-05-29 — Zoning Map Ordinance No. Z17-78 being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-3.	of insertions2		Size of qu	ad upon which typ	oe is cast5 <del>1</del>	
being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-3.	vision and penalties of					
the City of Fort Wayne, Indiana do hereby certify that Bill No. G-77-08-18 — General Ordinance No. G-17-78; Bill No. G-78-05-11 — General Ordi-	t the foregoing accoun part of the same has b	t is just and correct, een paid.	that the amount			
nance No. G-17-78; Bill No. G-78-05-28  — General Ordinance No. G-19-78; Bill No. Z-78-04-25 — Zoning Map Ordinance No. Z-15-78; Bill No. Z-7805-26				7. 8	Serker	ĸJ
Zoning Map Ordinance No. Z-16-78; Bill No. Z-78-05-27 — Zoning Map Ordinance No. Z-17-78, were passed by the Common Council on the 11th day	1978			Title	CLERK	
Series AV ORDINANCE amending the 200-200 Carles W. Waterman, Carle of the Clip of Fort Wayne, Inclinan do menty certify fairly f		State of 1-41	'8 AFFIDAVIT			
seal of the City of Fort Wayne, Indi- ana this 18th day of July, 1978. Charles W. Westerman, City Clerk Copies of said Bill No. G-77-08-18		Personally appear	ed before me. a no	tary public in and	f for said county and	state, the
No. G-78-05-11 — General Ordinance No. G-78-05-11 — General Ordinance No. G-18-78: Bill No. Z-78-04-25 — Zoning Map Ordinance No. Z-15-78;		undersignedthat she is	V.E. GE CL	ERK	who, being duly sv	
Bill No. Z-78-05-26 — Zoning Map Or- dinance No. Z-16-78; Bill No. Z-78-05- 27 — Zoning Map Ordinance No. Z-17- 78, are posted in the following places		DAILY	S-SENTINEL			
in Fort Wayne, Allen County, Indi- ana.  (1) The main floor lobby of the	CH COPY OF SEMENT HERE	in the English lang	ruage in the city }	of FORT WAY	NE. INDIANA	published
	SEMENT HERE	in state and county	aforesaid, and that	the printed matter	r attached hereto is a ,, the dates of publica	
Copres of said Bill No. G-77-08-18 — General Ordinance No. G-17-78; Bill No. G-78-05-11 — General Ordinance			7/24-31/7	2	720	Str.
No. G-18-78; Bill No. G-78-05-28 — General Ordinance No. G-19-78; Bill No. Z-78-04-25 — Zoning Map Ordi- nance No. Z-15-78; Bill No. Z-78-05-26				7. 8	Buke,	
Bill No. Z-78-6-27 — Zoning Map Or- dinance No. Z-17-78, are also avail- able for reading in the following		Subscribed and sw	orn to before me th	H.	any VC	200
Charles (1997) and the second of the second		My commission ex	pires Septe	omber 28, 19	otary Public	
Council Proceedings in the Office of the City Cierk of Fort Wayne, Indi- ana Room 122, City-County Building, Fort Wayne, Indiana					-	Service of the servic
ana Room 122, Ctly-County Building, Fort Wayne, Indiana. Charles W. Westerman, Clerk of I. Charles W. Westerman, Clerk of the Ctly of Fort Wayne, Indiana, ful- filled and posted the above Ordi- nances in the designated places as stated above on July 24, 1976. Charles W. Westerman Ctly Clerk 7—24-31						
nances in the designated places as stated above on July 24, 1978. Charles W. Westerman City Clerk 7—24-31						

Common C	Offmo						THE NEWS-		
	(Gov	rnmental	Unit)	Md		То			
A	len		County	, Ind.		****	FORT WAYN	E, INDIANA	
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